

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CAROLYN RAY TURNBOW,	:	
	:	NO. 1:03-CV-000487
Plaintiff,	:	
	:	
	:	
v.	:	<b>OPINION AND ORDER</b>
	:	
	:	
JOHN E. POTTER, POSTMASTER	:	
GENERAL,	:	
	:	
Defendant.	:	

Proceeding pro se, Plaintiff Carolyn Ray Turnbow ("Turnbow") filed the instant suit on June 30, 2003 against Defendant United States Postmaster General John E. Potter, averring that she suffered unlawful racial and gender discrimination while employed by the U.S. Postal Service (doc. 2). Her Complaint was subsequently amended on September 16, 2003 (doc. 11) and January 1, 2004 (doc. 19). On July 28, 2004, the Defendant filed a motion for summary judgment in her favor as to all claims (doc. 28). Plaintiff filed motions for partial summary judgment on June 30, 2004 (docs. 29, 30). She sought to amend these motions (doc. 32) and for preliminary injunctive relief (doc. 36) based upon allegations of continued unlawful conduct. On April 13, 2005, the assigned Magistrate Judge issued a Report and Recommendation (doc. 40), recommending that the Defendant's motion for summary judgment be granted and that Plaintiff's motions for summary judgment be denied. Plaintiff filed objections to the Report and

Recommendation on April 27, 2005 (doc. 41), and the Defendant responded thereto on April 28, 2005 (doc. 42), rendering the matter ripe for decision by this Court.

Upon de novo review, the Court finds that the Magistrate Judge's Report and Recommendation accurately summarizes the facts of this case, and it thoughtfully and accurately applies the controlling law thereto. A plaintiff who fails to pursue or exhaust his administrative remedies is barred from bringing a Title VII suit in federal court. See Knafel v. Pepsi-Cola Bottlers, 899 F.2d 1473, 1480-81 (6th Cir. 1990); Smith v. Kaldor, 869 F.2d 999, 1009 (6th Cir. 1989); Jones v. Cassens Transport, 748 F.2d 1083, 1086 (6th Cir. 1984). Turbow has failed to demonstrate that she has exhausted her remedies. As such, the Court simply lacks jurisdiction on the instant suit.

Accordingly, the Plaintiff's objections (doc. 41) are OVERRULED. The Magistrate Judge's Report and Recommendation (doc. 40) is ADOPTED IN ITS ENTIRETY. Defendant's Motion For Summary Judgment (doc. 28) is GRANTED. Plaintiff's Motions for Partial Summary Judgment (docs. 29, 30) are denied. The Clerk is instructed to enter judgment in favor of Defendant John E. Potter on all claims.

SO ORDERED.

Dated: August 18, 2005

s/S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge